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10/591,385	05/31/2007	Michael J. Wynne	G40.2-13340	1895
499 7590 07/15/2009 VIDAS, ARRETT & STEINKRAUS, P.A. SUITE 400, 6640 SHADY OAK ROAD EDEN PRAIRIE, MN 55344				
EXAMINER				
WRIGHT, BRYAN F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,385

Applicant(s)

WYNNE ET AL.

Examiner

BRYAN WRIGHT

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to Amendment filed 2/8/2009. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al. (US Patent Publication No. 2002/0178271 and Graham hereinafter) in view of Hearn et al. (WO 03/003242 and Hearn hereinafter).

3. As to claim 1, Graham teaches a access control system for controlling access to data stored on at least one data storage medium of a computing system, the access control system comprising: authentication means to authenticate users permitted to access data stored in the at least one data storage medium (i.e., ... teaches an end-user client device requests a file from the content source 160, the request is received by the proxy system, which selectively provides the requested file as a function of information the proxy system obtains from authentication system and policy system [par. 65]);

and database means arranged to store data access profiles (i.e., 360, fig. 3); each data access profile being associated with a user permitted to access data stored in the at least one data storage medium (i.e., ... 510, fig. 5), each data access profile including information indicative of the degree of access permitted by a user to data stored in the at least one data storage medium (i.e., ... teaches the proxy system 110 determines if the requesting user has the right to access the file [par. 66]).

Graham does not expressly teach:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile.

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However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile (to provide access profile means such that the profile dictates access privileges for computer resources [pg. 4, lines 15-20; 179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profiles for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

4. As to claim 2, although the teachings of Graham illustrates substantial features of the claimed invention, it does not disclose:

An access control system further comprising profile setting means arranged to facilitate creation of the master and current access profiles.

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However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

An access control system further comprising profile setting means arranged to facilitate creation of the master and current access profiles (to provide access setting means for computer resources [179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profile setting for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

5. As to claim 3, Graham teaches a access control system where the access control system is incorporated into a computing system having an operating system and the master data access profile is modifiable only prior to loading of the operating system (i.e., ... teaches a service performs internal policy consistency validation, rights revocation, and synchronized policy updates [par. 111] Those skilled in the art would recognize inherent to the capability to synchronize policy (i.e., .. access profiles) updates is the ability schedule modification of policies) ... further teaches at the time that the DCMS server application is booted, a specified file path is checked. If there are Plug-Ins

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available, then the DCMS server application loads these plug-ins, and continues booting [par. 371]).

6. As to claim 4, Graham teaches a access control system where said control system is activatable so as to permit modification of the current access profile and deactivatable so as to prevent modification of the current access profile (i.e., ... teaches a service performs internal policy consistency validation, rights revocation, and synchronized policy updates [par. 111] Those skilled in the art would recognize inherent to the capability to synchronize policy updates is the ability to activate and de-activate modification of policies (i.e., .. access profiles)).

7. As to claim 5, Graham teaches a access control system where the access control system is implemented at least in part in the form of software (i.e., ... teaches a system in accordance with the present invention consists of server software running as an application on a standard hardware configuration and client software either hooking into or running as a process on top of the operating system on a standard hardware configuration [par. 31]).

8. As to claim 6, Graham teaches a access control system where the access control system is implemented at least in part in the form of hardware (i.e., ... teaches a system in accordance with the present invention consists of server software running as an application on a standard hardware configuration and

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client software either hooking into or running as a process on top of the operating system on a standard hardware configuration [par. 31].

9. As to claim 7, Graham teaches a access control system where the access control system is arranged to govern user access profiles used by a security device configured to control access to a data storage medium (i.e., ... teaches a proxy system interfaces with and maintains authentication, access and usage control and security across computer network utilization of content sources [par. 70]).

10. As to claim 8, Graham teaches a access control system where the security device is implemented at least in part in hardware and is of a type located between a data storage medium of a computing system and a CPU of the computing system (i.e., ...teaches DCMS client application being stored in the host Operating System's memory partition in the client computer [par. 397] Those skilled in the art would recognize a CPU is inherent to the hardware structure of a computer).

11. As to claim 9, Graham teaches a access control system where the security device is implemented at least in part in hardware and is of a type incorporated into bus bridge circuitry of a computing system [fig. 14].

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12. As to claim 10, Graham teaches a access control system where the access control system is incorporated into a computing system having an operating system and the current access profile is modifiable after loading of the operating system (i.e., ... teaches includes a user interface, configured to facilitate creation and editing of said access policies and said usage policies and association of said access policies and said usage policies with said files [claim 6]).

13. As to claim 11, Graham teaches a method of controlling access to data stored on at least one data storage medium of a computing system, the method comprising the steps of: providing means for authenticating users permitted to access data stored in the at least one data storage medium (i.e., ... teaches user authentication is performed by an authentication system and policy management is accomplished by a policy system [par. 20]);

and storing data access profiles (i.e., ... teaches access control policies over managed content, such as files stored in a content source [par. 69]);

associating each data access profile one data storage medium (i.e., ... teaches evaluates the user/file specific policy from the METAFILES and database [par. 101]);

each data access profile including information indicative of the degree of access permitted by a user to data stored in the at least one data storage medium (i.e., .. teaches security on both an access and usage level [par. 58]).

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Graham does not expressly teach:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile (to provide access profile means such that the profile dictates access privileges for computer resources [pg. 4, lines 15-20; 179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profiles for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

14. As to claim 12, although the teachings of Graham illustrates substantial features of the claimed invention, it does not disclose:

An access control system further comprising the step of facilitating creation of the master and current access profiles.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

An access control system further comprising the step of facilitating creation of the master and current access profiles (to provide access setting means for computer resources [179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profile setting for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

15. As to claim 13, Graham teaches a method where the access control system is incorporated into a computing system having an operating system (i.e., ... teaches a server-side software modules uses many of the standard functionality of commercial operating systems to accomplish its normal operations [par. 72]), and the step of facilitating modification of the current data access profile includes the step of facilitating modification of the master data

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access profile only prior to loading of the operating system (i.e., ... teaches service performs internal policy consistency validation, rights revocation, and synchronized policy updates [par. 111] Those skilled in the art would recognize inherent to the boot process of computer is the updating of all files) ... further teaches at the time that the DCMS server application is booted, a specified file path is checked. If there are Plug-Ins available, then the DCMS server application loads these plug-ins, and continues booting [par. 371]).

16. As to claim 14, Graham teaches a method further including the steps of facilitating activation of said control system so as to permit modification of the current access profile and facilitating deactivation of said control system so as to prevent modification of the current access profile (i.e., ... teaches a service performs internal policy consistency validation, rights revocation, and synchronized policy updates [par. 111] Those skilled in the art would recognize inherent to the capability to synchronize policy updates is the ability to activate and de-activate modification of policies (i.e., .. access profiles)).

17. As to claim 15, Graham teaches a method where the access control system is implemented at least in part in the form of software (i.e., ... teaches a system in accordance with the present invention consists of server software running as an application on a standard hardware configuration and client software either hooking into or running as a process on top of the operating system on a standard hardware configuration [par. 31].

18. As to claim 16, Graham teaches a method where the access control system is implemented at least in part in the form of hardware (i.e., ... teaches a system in accordance with the present invention consists of server software running as an application on a standard hardware configuration and client software either hooking into or running as a process on top of the operating system on a standard hardware configuration [par. 31].

19. As to claim 17, Graham teaches a method further comprising the step of arranging the access control system so as to govern user access profiles used by a security device configured to control access to a data storage medium (i.e., ... teaches a proxy system interfaces with and maintains authentication, access and usage control and security across computer network utilization of content sources [par. 70]).

20. As to claim 18, Graham teaches a method where the security device (i.e., DCMS) is implemented at least in part in hardware and is of a type located between a data storage medium of a computing system and a CPU of the computing system (i.e., ...teaches DCMS client application being stored in the host Operating System's memory partition in the client computer [par. 397] Those skilled in the art would recognize a CPU is inherent to the hardware structure of a computer).

21. As to claim 19, Graham teaches a method where the security device is implemented at least in part in hardware and is of a type incorporated into bus bridge circuitry of a computing system [fig. 14].

22. As to claim 20, Graham teaches a method further comprising the steps of incorporating the access control system into a computing system having an operating system and facilitating modification of the current access profile after loading of the operating system (i.e., ... teaches includes a user interface, configured to facilitate creation and editing of said access policies and said usage policies and association of said access policies and said usage policies with said files [claim 6]).

23. As to claim 21, Graham teaches a computer program which when loaded into a computing system causes the computing system to operate in accordance with an access control system for controlling access to data stored on at least one data storage medium of a computing system, the access control system comprising: authentication means to authenticate users permitted to access data stored in the at least one data storage medium (i.e., ... teaches a content subsystem regulates access to files in the content repository through the evaluation and enforcement of authentication and access control policies [par. 85]);

and database means (i.e., cache) arranged to store data access profiles (i.e., ...teaches user shared session secrets and credentials are stored in temporary caches [par. 98]);

each data access profile being associated with a user permitted to access data stored in the at least one data storage medium (i.e., ... teaches the authentication service creates credentials used to gain access to the protected content [par. 105]);

each data access profile including information indicative of the degree of access permitted by a user to data stored in the at least one data storage medium (i.e., ...teaches policies also state the restrictions to be placed on content if access is granted teaches enforced by the client module access restrictions further define the operations permitted by the user on received content [par. 173]).

Graham does not expressly teach:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile (to provide access profile means such that the profile dictates access privileges for computer resources [pg. 4, lines 15-20; 179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profiles for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

24. As to claim 22, Graham teaches a computer useable medium having a computer readable program code embodied therein for causing a computer to operate in accordance with an access control system for controlling access to data stored on at least one data storage medium of a computing system, the access control system comprising: authentication means to authenticate users permitted to access data stored in the at least one data storage medium (i.e., ... teaches this authentication interface obtains the identity or rights proving credentials used to infer access rights [par. 127]) and database means arranged to store data access profiles (e.g., ... authentication services) (i.e., ... teaches

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Entity information used by authentication services is stored in the entity database [par. 114]);

each data access profile being associated with a user permitted to access data stored in the at least one data storage medium (i.e., ... teaches the authentication service creates credentials used to gain access to the protected content [par. 105]);

each data access profile including information indicative of the degree of access (i.e., condtype) permitted by a user to data stored in the at least one data storage medium (i.e., ... teaches Access Conditions (multi-valued) 564 - the access conditions state the conditions under which access will be allowed. Each condition consists of condType [par. 173; table 2].

Graham does not expressly teach:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Graham as introduced by Hearn. Hearn discloses:

each data access profile including a master data access profile and a current data access profile, the current data access profile being modifiable within parameters defined by the master data access profile (to provide access

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profile means such that the profile dictates access privileges for computer resources [pg. 4, lines 15-20; 179, 181, fig. 7E]).

Therefore, given the teachings of Hearn, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Graham by employing the well known feature of access profiles for defining access privileges to system resources as disclosed above by Hearn, for which controlling partition access will be enhanced [pg. 4, lines 15-20; 179, 181, fig. 7E].

Prior Art Made of Record

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kabzinski et al. (US Patent Publication No. 2007/0028292).

Response to Arguments

Applicant's arguments, see Applicant's Remarks, filed 2/8/2009, with respect to the rejection(s) of claim(s) 1-22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Graham and Hearn. The Examiner contends the teachings of Hearn provides differentiation (e.g., Master and Current) of access privileges for authenticated users.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431

